

## **REMARKS**

Claims 1-13 and 16-19 are pending. Claims 1-10 and 12 have been canceled. Claims 20-27 are new. No new matter has been added. Support for the new claims can be found throughout the application. For example, support for claim 20 and 21 can be found on page 21, lines 3-5; support for claim 22 can be found on page 23, line 32, to page 24, line 15; support for claims 23 and 24 can be found on page 22, line 31, to page 23, line 4; and support for claims 25 and 26 can be found on page 21, lines 18-27.

Claims 11 and 16-19 have been amended. Importantly, the claim amendments should not be construed to be an acquiescence to any of the claim rejections. Rather, the amendments to the claims are being made solely to expedite the prosecution of the above-identified application. The Applicant expressly reserves the right to further prosecute claims drawn to canceled or deleted subject matter in subsequent patent applications claiming the benefit of priority to the instant application (35 USC § 120).

## **CLAIM REJECTIONS BASED ON 35 U.S.C. § 112¶1**

Claims 11-13 and 16-19 are rejected for containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention. Further, claims 11, 12 and 16-19 are rejected for containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor, at the time the application was filed, had possession of the claimed invention. The Applicant respectfully traverses these rejections.

Solely in order to expedite the prosecution of this application, the Applicant has amended claim 11, to claim a composition for restoring tolerance to islet beta cells in a subject or reducing an immune response against islet beta cells in a subject, and canceled claim 12. Claims 13, and 16-19 have been amended to remove their dependence on claim 12. Support for claim 11 can be found throughout the specification. For example, page 11, lines 10-11, and page 15, lines 20-22.

Given the claim amendments discussed above, the Applicant respectfully requests the withdrawal of the rejections of claims 11-13 and 16-19 based on 35 U.S.C. § 112¶1.

### **CLAIM REJECTIONS BASED ON 35 U.S.C. § 102(b)**

Claims 11-13 and 16 are rejected as being clearly anticipated by the Sigma Catalog (1994). Specifically, the Examiner contends that the Sigma Catalog teaches “a human IGF-2 peptide of at least 30 amino acids suitable for vaccine use (see particularly page 1502).” The Applicant respectfully traverses.

The Applicant asserts that the Sigma catalog does not teach or suggest all of the elements of the claimed compositions as it does not teach a composition comprising both an IGF-2 peptide and a pharmaceutically acceptable carrier, as claimed. The Applicant therefore respectfully requests the withdrawal of the rejection of claims 11-13 and 16 based on 35 U.S.C. § 102(b).

### **CLAIM REJECTIONS BASED ON 35 U.S.C. § 103(a)**

Claims 17 and 18 are rejected as being unpatentable over the Sigma Catalog (1994) in view of U.S. Patent No. 6,277,375 (the ‘375 patent). The Examiner contends the ‘375 patent teaches the addition of an Ig Fc region to a protein to increase said protein’s stability and half-life; the resulting peptide would be at least 75 or at least 100 amino acids. In addition, claim 19 is rejected as being unpatentable over the Sigma Catalog (1994) in view of U.S. Patent No. 6,287,588 (the ‘588 patent). The Examiner contends the ‘588 patent teaches that PEGylation can increase a peptide’s stability. The Applicant respectfully traverses.

The Applicant respectfully asserts that there is no motivation to combine the cited references to make the claimed compositions and the Examiner has not established a *prima facie* case of obviousness. Moreover, even if combined, the references do not teach or suggest the presently claimed compositions. The Applicant therefore respectfully requests the withdrawal of the rejection of claims 17-19 based on 35 U.S.C. § 103(a).

### **FEES**

The Applicant believes all required fees in connection with the filing of this paper have been provided for. Nevertheless, the Director is hereby authorized to charge any additional required fee to our Deposit Account, **06-1448**, Reference, **ULS-001.01**.

## **CONCLUSION**

In view of the above remarks, it is believed that the pending claims are in condition for allowance. The Applicant respectfully requests reconsideration and withdrawal of the pending rejections. The Applicant thanks the Examiner for careful consideration of the present case. If a telephone conversation with Applicant's Attorney would expedite prosecution of the above-identified application, the Examiner is urged to contact the undersigned.

Respectfully submitted,



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